IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): VIJ, et al.	Conf. No.: 3356
Application No.: 10/756,163	Art Unit: 2618
Filed: 12 Jan 2004	Examiner: DEAN, RAYMOND S
Title: METHOD AND APPARATUS FOR SHARING USER INFORMATION IN A GROUP COMMUNICATION NETWORK	

BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
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Sir:

In response to the Final Office Action dated May 18, 2011, Appellants on July 8, 2011, requested an Appeal to consider the issues raised in the Final Office Action. Accordingly, this Brief on Appeal under 37 C.F.R. §41.37 is being filed.

The fees required under § 41.20(b)(2) should be charged to Deposit Account No. 17-0026.

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I. Real Party in Interest

The real party in interest in this appeal is QUALCOMM Incorporated, 5775 Morehouse Drive, San Diego, California, 92121.

II. Related Appeals and Interferences

To the best of Appellants' knowledge, there are no other previous or pending appeals of this Application, or patent interference proceedings, or judicial proceedings which may be related to, directly affect, or be directly affected by, or have a bearing on the Board's decision of this Appeal.

III. Status of Claims

In the present Application, claims 1-4, 6-10, 12-16, 18-22, and 24-52 are on Appeal

1. Claims cancelled: 5, 11, 17, and 23
2. Claims withdrawn from consideration but not cancelled: (none)
3. Claims pending: 1-4, 6-10, 12-16, 18-22, and 24-52
4. Claims allowed: (none)
5. Claims rejected: 1-4, 6-10, 12-16, 18-22, and 24-52

IV. Status of Amendments

The most recent Amendment filed on March 8, 2011, has been entered. Accordingly, there are no un-entered amendments.

V. Summary of the Claimed Subject Matter

Independent claim 1 is directed to a method for sharing user information in a wireless communication network outside of a call setup **(see generally, e.g., the flow diagram of FIG. 4a)**, the method comprising: sending an alert from an originator **(e.g., "user A")** to a group communication server (GCS) **(e.g., "GCS")**, the alert including presence information about the originator and requesting presence information about a target **(e.g., "users B, C, D") (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; transmitting an alert from the GCS to the target **(see, e.g., step 404 of FIG. 4a, and the corresponding text at p. 7, ll. 21-23 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; registering at the GCS that no response was received from the target **(see, e.g., step 406 of FIG. 4a, and the corresponding text at p. 7, ll. 24-28 of Appellants' specification as originally filed, corresponding to paragraph [0033])**; receiving information by the originator from the GCS containing information about the target in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**; and updating presence information in the originator about the target, based on the received information **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

Independent claim 7 is directed to a computer-readable medium **(see, e.g., p. 10, ll. 3-13 of Appellants' specification as originally filed, corresponding to paragraph [0044])** comprising at least one instruction, which, when executed by a machine, causes the machine

to perform operations for sharing user information in a wireless communication network outside of a call request **(see generally, e.g., the flow diagram of FIG. 4a)**, the instructions comprising: a set of instructions to send an alert from an originator **(e.g., "user A")** to a group communication server (GCS) **(e.g., "GCS")**, the alert including presence information about the originator and requesting presence information about the target **(e.g., "users B, C, D") (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; a set of the instructions to transmit an alert from the server to the target **(see, e.g., step 404 of FIG. 4a, and the corresponding text at p. 7, ll. 21-23 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; a set of the instructions to register at the GCS that no response was received from the target **(see, e.g., step 406 of FIG. 4a, and the corresponding text at p. 7, ll. 24-28 of Appellants' specification as originally filed, corresponding to paragraph [0033])**; a set of the instructions to receive information by the originator from the target in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**; and a set of the instructions to update presence information in the originator about the target, based on the received information **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

Independent claim 13 is directed to an apparatus for sharing user information in a wireless communication network outside of a call setup **(see generally, e.g., the system diagram of FIG. 2)**, comprising: hardware means for sending an alert from an originator **(e.g., CD 202)** to a group communication server (GCS) **(e.g., GCS 208)**, the alert including

presence information about the originator and requesting presence information about the target **(e.g., CDs 204, 206) (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; hardware means for transmitting an alert from the server to the target **(see, e.g., step 404 of FIG. 4a, and the corresponding text at p. 7, ll. 21-23 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; hardware means for registering at the GCS that no response was received from the target **(see, e.g., step 406 of FIG. 4a, and the corresponding text at p. 7, ll. 24-28 of Appellants' specification as originally filed, corresponding to paragraph [0033])**; hardware means for receiving information by the originator from the GCS containing information about the target in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**, and hardware means for updating presence information in the originator about the target, based on the received information **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

Independent claim 19 is directed to a system for sharing user information in a wireless communication network outside of a call setup **(see generally, e.g., the system diagram of FIG. 2)**, comprising: a group communication server (GCS) **(e.g., GCS 208)**, a memory unit; a receiver; a transmitter: and a processor coupled to the memory unit, the receiver, and the transmitter **(see, e.g., Fig. 3)**, the processor being capable of: sending an alert from an originator **(e.g., CD 202)** to the GCS, the alert including presence information about the originator and requesting presence information about the target **(e.g., CDs 204, 206) (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants'**

specification as originally filed, corresponding to paragraph [0032]); receiving information by the originator from the GCS containing information that no response was received from the target in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**, and updating presence information in the originator about the target, based on the received information **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

Independent claim 25 is directed to a method for sharing user information in a wireless communication network outside of a call setup **(see generally, e.g., the flow diagram of FIG. 4a)**, the method comprising: sending at least one alert from an originator **(e.g., "user A")** to a group communication server (GCS) **(e.g., "GCS")** requesting presence information about at least one target user **(e.g., "users B, C, D") (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; transmitting an alert from the GCS to the target **(see, e.g., step 404 of FIG. 4a, and the corresponding text at p. 7, ll. 21-23 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; receiving information by the originator from the GCS containing information that no response was received in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**, and updating presence information by the originator about the target user, based on information received **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

Independent claim 30 is directed to a computer-readable medium **(see, e.g., p. 10, ll. 3-13 of Appellants' specification as originally filed, corresponding to paragraph [0044])** comprising at least one instruction, which, when executed by a machine, causes the machine to perform operations for sharing user information in a wireless communication network outside of a call request **(see generally, e.g., the flow diagram of FIG. 4a)**, the instructions comprising: a set of the instructions to send at least one alert from an originator **(e.g., "user A")** requesting presence information about at least one target user **(e.g., "users B, C, D") (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; a set of the instructions to receive information by the originator from a GCS **(e.g., "GCS")** containing information that no response was received in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**, and a set of the instructions to update presence information by the originator about the target user, based on information received **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

Independent claim 35 is directed to an apparatus for sharing user information in a wireless communication network outside of a call setup **(see generally, e.g., the system diagram of FIG. 2)**, comprising: hardware means for sending at least one alert from an originator **(e.g., CD 202)** to a group communication server (GCS) **(e.g., GCS 208)** requesting presence information about at least one target user **(e.g., CDs 204, 206) (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; hardware means for transmitting an

alert from the GCS to the at least one target user **(see, e.g., step 404 of FIG. 4a, and the corresponding text at p. 7, ll. 21-23 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; hardware means for receiving information by the originator from the GCS containing information that no response was received in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**, and hardware means for updating presence information by the originator about the target user, based on information received **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

Independent claim 40 is directed to a system for sharing user information in a wireless communication network outside of a call setup **(see generally, e.g., the system diagram of FIG. 2)**, comprising: a group communication server (GCS) **(e.g., GCS 208)**, a memory unit; a receiver; a transmitter; and a processor coupled to the memory unit, the receiver, and the transmitter **(see, e.g., Fig. 3)**, the processor being capable of: sending at least one alert from an originator **(e.g., CD 202)** to the GCS requesting presence information about at least one target user **(e.g., CDs 204, 206) (see, e.g., step 402 of FIG. 4a, and the corresponding text at p. 7, ll. 17-21 of Appellants' specification as originally filed, corresponding to paragraph [0032])**; receiving information by the originator from the GCS containing information that no response was received in response to the alert **(see, e.g., step 408 of FIG. 4a, and the corresponding text at p. 7, ll. 29-31 of Appellants' specification as originally filed, corresponding to paragraph [0034])**, and updating presence information by the originator about the target user, based on information received **(see, e.g., p. 7, ll. 31-33 of Appellants' specification as originally filed, corresponding to paragraph [0034])**.

VI. Grounds of Rejection to be Reviewed on Appeal

In the May 18, 2011, Final Rejection, the Office finally rejected: (A) claims 1-4, 6-10, 12-16, 18-22, 24-44, 46, and 48-50 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall et al. (U.S. Patent No. 6,032,051) in view of Eaton et al. (U.S. Patent Publication No. 2003/0208545), Zmolek et al. (U.S. Patent Publication No. 2003/0154293), and Keating et al. (U.S. Patent Publication No. 2004/0082352); (B) claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of U.S. Patent Publication No. 2003/0037103 to Salmi et al. (hereinafter "Salmi"); (C) claim 47 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of U.S. Patent Publication No. 2004/0267887 to Berger et al. (hereinafter "Berger"); (D) claim 51 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of U.S. Patent No. 6,760,589 to Hobbis et al. (hereinafter "Hobbis"); and (E) claim 52 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of U.S. Patent Publication No. 2005/0071428 to Khakoo et al. (hereinafter "Khakoo"). Each of these rejections (A)-(E) is discussed in turn within the Argument section below.

VII. Argument

A. Regarding the rejection of independent claims 1, 7, 13, 19, 25, 30, 35, and 40, as well as dependent claims 2-4, 6, 8-10, 12, 14-16, 18, 20-22, 24, 26-29, 31-34, 36-39, 41-44, 46, and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating.

Appellants and the Examiner agree that Hall in view of Eaton and Keating fails to disclose the claimed feature of "transmitting an alert from the GCS to the target," as recited in independent claim 1, for example. *See Final Office Action*, p. 4. However, Appellants and the Examiner disagree as to whether the secondary reference Zmolek teaches this feature, and whether "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Zmolek as an alternative means for achieving the result of determining the status or presence information" as alleged. *Id.*

Zmolek and Independent claims 1, 7, 13, 25, and 35

The Examiner has cited paragraph [0053], lines 1-7, paragraph [0055], lines 1-7, and paragraph [0078], lines 1-11 of Zmolek in support of his position above.

The cited sections explain the operation of the "context sensing agent 150" illustrated in FIG. 1, which is used "to provide agent reports containing predetermined types of raw location and availability information to the second presence server at selected time intervals and/or upon the occurrence of a predetermined event." *Zmolek*, para. [0053]. These predetermined events include "receiving a command or request from the user such as a request to initiate a contact, a request to activate or deactivate the tracked identity, a request to terminate a contact (such as a call), a request for an agent report from a presence server, a user request to manipulate presence data, a time out, and the like." *Id.* at para. [0078]. The

presence servers (also illustrated in FIG. 1 as 104 and 132) collect published presence information about a communication device and "provide the collected information to other network entities (which may include other presence servers) in response to queries." *Id.* at para. [0055].

These operations are simply not relevant to transmitting an alert from a group communication server (GCS) to a target about which presence information is requested. The context sensing agent 150 is merely described as providing agent reports to various presence servers 104, 132, not to a target user. Likewise, the presence servers 104, 132 are described as providing their collected information to other network entities such as other presence servers, not to a target user. Moreover, even if the presence servers 104, 132 were interpreted as providing the collected information to users directly, this is described as being merely "in response to queries" from the requesting users themselves. There are no teachings or suggestions in Zmolek about providing the collected information to a target user **about which** the presence information is requested.

Accordingly, Zmolek fails to teach "transmitting an alert from the GCS to the target [about which presence information is requested]" as recited in independent claim 1, and similarly recited in independent claims 7, 13, 25, and 35. Thus, Zmolek fails to teach or suggest the features relied upon with respect to the rejection of independent claim 1, 7, 13, 25, and 35. Since the remaining references Hall, Eaton, and Keating fail to cure this deficiency of Zmolek, as acknowledged in the Final Office Action, independent claims 1, 7, 13, 25, and 35 are submitted to be allowable over the combination of Hall, Eaton, Zmolek, and Keating.

Reasoning in the Final Office Action

The Final Office Action does not dispute Appellants' characterization of the Zmolek teachings above, but asserts that "[t]his renders a scenario wherein the server, upon request for information about a desired target, determines that there is no presence information on said target and thus queries said desired target in order to obtain presence information." *Final Office Action*, p. 2. This line of reasoning is wholly speculative and without support in Zmolek. In essence, the Examiner is simply presuming that Zmolek is capable of carrying out the very features at issues, not that Zmolek actually teaches those features.

It is entirely plausible, and seems to be the case, that the presence servers 104, 132 in Zmolek are simply passive accumulators of presence information that act to receive presence information when the plurality of communication devices 124 a-n choose to provide it. There is nothing to teach or suggest that the presence servers 104, 132 actively transmit an alert to a target communication device about which presence information is being requested. To the contrary, Zmolek explains how the plurality of communication devices 124 a-n "provide agent reports containing predetermined types of raw location and availability information to the second presence server at **selected** time intervals and/or upon the occurrence of a **predetermined** event." *Zmolek*, para. [0053]. Zmolek gives the following examples of these predetermined events: "receiving a command or request from the user such as a request to initiate a contact, a request to activate or deactivate the tracked identity, a request to terminate a contact (such as a call), a request for an agent report from a presence server, a user request to manipulate presence data, a time out, and the like." *Id.*, at para. [0078]. Zmolek makes it clear, however, the "request for an agent report from a presence server" is "upon request of the remote server at some predetermined interval," not via a specific alert generated in relation to a specific target about which presence information is requested. *Id.*, at para. [0060].

It is also not entirely clear that the Examiner's hypothetical situation of a server receiving a request for information about a desired target for which "there is no presence information" would ever actually manifest itself. It appears that the plurality of communication devices 124 a-n provide their agent reports / presence information upon initialization, such that the presence servers 104, 132 would always have some presence information for a given target device (even if this information is not current or up-to-date, which is one of the disadvantages of Zmolek over Appellants' claimed combinations). Again, though, even if the Examiner's hypothetical situation did occur, there is nothing to suggest that the presence server would actively query the desired target in order to obtain presence information, and to assert otherwise is pure speculation without foundation.

Independent Claims 19, 30, and 40

Independent claim 19 recites "receiving information by the originator from the GCS containing information that no response was received from the target in response to the alert." Independent claims 30 and 40 recite similar features. The Final Office Action asserts on page 10 that Keating teaches this feature, but elsewhere acknowledges that the combination of Hall, Eaton, and Keating fails to disclose "transmitting an alert from the GCS to the target." It is not clear how Keating can teach "receiving information by the originator from the GCS containing information that no response was received from the target in response to the alert" without the GCS actually transmitting an alert to the target. How can the GCS know that no response was received from the target in response to an alert when no alert is sent? The cited portion of Keating is simply directed to a group call setup in which a network server (i.e., dispatch application processor (DAP) 12) attempts to establish a group call among a list of

participants. *Keating*, para. [0025]. This is clearly not an alert from an originator including presence information about the originator and requesting presence information about the target, and Keating therefore cannot be said to teach "receiving information by the originator from the GCS containing information that no response was received from the target in response to the alert" as alleged.

Accordingly, it is respectfully submitted that independent claims 19, 30, and 40 are allowable over the combination of Hall, Eaton, and Keating for the reasons above as well as the reasons acknowledged in the Office Action, and that these claims are further allowable over Hall, Eaton, and Keating in view of Zmolek for the reasons discussed above with regard to independent claims 1, 7, 13, 25, and 35.

For at least the foregoing reasons, it is respectfully submitted that claims 1, 7, 13, 19, 25, 30, 35, and 40 are distinguishable over the applied art. The remaining dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims.

B. Regarding the rejection of dependent claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of Salmi.

Salmi fails to cure the deficiencies of Hall, Eaton, Zmolek, and Keating discussed above in subsection (A) with regard to the corresponding independent claim 1. Thus, Appellants submit that independent claim 1 is allowable over the combination of Hall in view of Eaton, Zmolek, and Keating, and in further view of Salmi for the same reasons, and the

patentability of independent claim 1 precludes a rejection of claim 45, which depends therefrom.

C. Regarding the rejection of dependent claim 47 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of Berger.

Berger fails to cure the deficiencies of Hall, Eaton, Zmolek, and Keating discussed above in subsection (A) with regard to the corresponding independent claim 1. Thus, Appellants submit that independent claim 1 is allowable over the combination of Hall in view of Eaton, Zmolek, and Keating, and in further view of Berger for the same reasons, and the patentability of independent claim 1 precludes a rejection of claim 47, which depends therefrom.

D. Regarding the rejection of dependent claim 51 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of Hobbis.

Hobbis fails to cure the deficiencies of Hall, Eaton, Zmolek, and Keating discussed above in subsection (A) with regard to the corresponding independent claim 1. Thus, Appellants submit that independent claim 1 is allowable over the combination of Hall in view of Eaton, Zmolek, and Keating, and in further view of Hobbis for the same reasons, and the patentability of independent claim 1 precludes a rejection of claim 51, which depends therefrom.

E. Regarding the rejection of dependent claim 52 under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Zmolek, and Keating, and in further view of Khakoo.

Khakoo fails to cure the deficiencies of Hall, Eaton, Zmolek, and Keating discussed above in subsection (A) with regard to the corresponding independent claim 1. Thus, Appellants submit that independent claim 1 is allowable over the combination of Hall in view of Eaton, Zmolek, and Keating, and in further view of Khakoo for the same reasons, and the patentability of independent claim 1 precludes a rejection of claim 52, which depends therefrom.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A include the amendments filed by Appellants on March 8, 2011.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Office is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in Section II, above.

XI. CONCLUSION

Appellants respectfully submit that claims 1-4, 6-10, 12-16, 18-22, and 24-52 are patentable over the applied art and that all of the rejections of record should be reversed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 17-0026 for any additional fees required under 37 C.F.R. § 1.16 or 1.17, particularly extension of time fees.

Dated: 2011-08-26

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APPENDIX A: CLAIMS

1. (Previously Presented) A method for sharing user information in a wireless communication network outside of a call setup, the method comprising:

sending an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about a target;

transmitting an alert from the GCS to the target;

registering at the GCS that no response was received from the target;

receiving information by the originator from the GCS containing information about the target in response to the alert; and

updating presence information in the originator about the target, based on the received information.

2. (Previously Presented) The method of claim 1, wherein said sending includes sending a group alert to a group of targets, said receiving includes receiving presence information from the group of targets, and said updating includes updating presence information about the group of targets.

3. (Previously Presented) The method of claim 2, further including updating presence information in at least one target based on information received from the originator.

4. (Previously Presented) The method of claim 2, further including updating presence information in at least one target based on information received from at least another target in the group.

5. (Canceled)

6. (Previously Presented) The method of claim 1, wherein said presence information includes location information.

7. (Previously Presented) A computer-readable medium comprising at least one instruction, which, when executed by a machine, causes the machine to perform operations for sharing user information in a wireless communication network outside of a call request, the instructions comprising:

a set of instructions to send an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target;

a set of the instructions to transmit an alert from the server to the target;

a set of the instructions to register at the GCS that no response was received from the target;

a set of the instructions to receive information by the originator from the target in response to the alert; and

a set of the instructions to update presence information in the originator about the target, based on the received information.

8. (Previously Presented) The medium of claim 7, wherein said set of instructions to send includes a set of instructions to send a group alert to a group of targets, said set of instructions to receive includes a set of instructions to receive presence information from the group of targets,

and said set of instructions to update includes a set of instructions to update presence information about the group of targets.

9. (Previously Presented) The medium of claim 8, further comprising a set of instructions to update presence information in at least one target based on information received from the originator.

10. (Previously Presented) The medium of claim 8, further comprising a set of instructions to update presence information in at least one target based on information received from at least another target in the group.

11. (Canceled)

12. (Previously Presented) The medium of claim 7, wherein said presence information includes location information.

13. (Previously Presented) An apparatus for sharing user information in a wireless communication network outside of a call setup, comprising:

hardware means for sending an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target;

hardware means for transmitting an alert from the server to the target;

hardware means for registering at the GCS that no response was received from the target;

hardware means for receiving information by the originator from the GCS containing information about the target in response to the alert, and hardware means for updating presence information in the originator about the target, based on the received information.

14. (Previously Presented) The apparatus of claim 13, wherein said hardware means for sending includes hardware means for sending a group alert to a group of targets, said hardware means for receiving includes hardware means for receiving presence information from the group of targets, and said hardware means for updating includes hardware means for updating presence information about the group of targets.

15. (Previously Presented) The apparatus of claim 14, further including hardware means for updating presence information in at least one target based on information received from the originator.

16. (Previously Presented) The apparatus of claim 14, further including hardware means for updating presence information in at least one target based on information received from at least another target in the group.

17. (Canceled)

18. (Previously Presented) The apparatus of claim 13, wherein said presence information includes location information.

19. (Previously Presented) A system for sharing user information in a wireless communication network outside of a call setup, comprising:

a group communication server (GCS), a memory unit;

a receiver;

a transmitter:

and a processor coupled to the memory unit, the receiver, and the transmitter, the processor being capable of:

sending an alert from an originator to the GCS, the alert including presence information about the originator and requesting presence information about the target;

receiving information by the originator from the GCS containing information that no response was received from the target in response to the alert, and updating presence information in the originator about the target, based on the received information.

20. (Previously Presented) The system of claim 19, wherein said sending includes sending a group alert to a group of targets, said receiving includes receiving presence information from the group of targets, and said updating includes updating presence information about the group of targets.

21. (Previously Presented) The system of claim 20, the processor further capable of including updating presence information in at least one target based on information received from the originator.

22. (Previously Presented) The system of claim 20, the processor further capable of updating presence information in at least one target based on information received from at least another target in the group.

23. (Canceled)

24. (Previously Presented) The system of claim 19, wherein said presence information includes location information.

25. (Previously Presented) A method for sharing user information in a wireless communication network outside of a call setup, the method comprising:

sending at least one alert from an originator to a group communication server (GCS) requesting presence information about at least one target user;

transmitting an alert from the GCS to the target;

receiving information by the originator from the GCS containing information that no response was received in response to the alert, and updating presence information by the originator about the target user, based on information received.

26. (Previously Presented) The method of claim 25, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving information as to whether the group is active or passive.

27. (Previously Presented) The method of claim 25, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving information as to which target user in the group is registered.

28. (Previously Presented) The method of claim 25, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving information as to which target user is participating a current communication session.

29. (Previously Presented) The method of claim 25, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving location information for the target users.

30. (Previously Presented) A computer-readable medium comprising at least one instruction, which, when executed by a machine, causes the machine to perform operations for sharing user information in a wireless communication network outside of a call request, the instructions comprising:

a set of the instructions to send at least one alert from an originator requesting presence information about at least one target user;

a set of the instructions to receive information by the originator from a GCS containing information that no response was received in response to the alert, and a set of the instructions to update presence information by the originator about the target user, based on information received.

31. (Previously Presented) The medium of claim 30, wherein said set of instructions to request includes a set of instructions to request presence information about a group of target users, and said set of instructions to receive includes a set of instructions to receive information as to whether the group is active or passive.

32. (Previously Presented) The medium of claim 30, wherein said set of instructions to request includes a set of instructions to request presence information about a group of target users, and said set of instructions to receive includes a set of instructions to receive information as to which target user in the group is registered.

33. (Previously Presented) The medium of claim 30, wherein said set of instructions to request includes a set of instructions to request presence information about a group of target users, and said set of instructions to receive includes a set of instructions to receive information as to which target user is participating a current communication session.

34. (Previously Presented) The medium of claim 30, wherein said set of instructions to request includes a set of instructions to request presence information about a group of target users, and said set of instructions to receive includes a set of instructions to receive location information for the target users.

35. (Previously Presented) An apparatus for sharing user information in a wireless communication network outside of a call setup, comprising:

hardware means for sending at least one alert from an originator to a group communication server (GCS) requesting presence information about at least one target user;

hardware means for transmitting an alert from the GCS to the at least one target user;

hardware means for receiving information by the originator from the GCS containing information that no response was received in response to the alert, and hardware means for updating presence information by the originator about the target user, based on information received.

36. (Previously Presented) The apparatus of claim 35, wherein said hardware means for requesting includes hardware means for requesting presence information about a group of target users, and said hardware means for receiving includes hardware means for receiving information as to whether the group is active or passive.

37. (Previously Presented) The apparatus of claim 35, wherein said hardware means for requesting includes hardware means for requesting presence information about a group of target users, and said hardware means for receiving includes hardware means for receiving information as to which target user in the group is registered.

38. (Previously Presented) The apparatus of claim 35, wherein said hardware means for requesting includes hardware means for requesting presence information about a group of target users, and said hardware means for receiving includes hardware means for receiving information as to which target user is participating a current communication session.

39. (Previously Presented) The apparatus of claim 35, wherein said hardware means for requesting includes hardware means for requesting presence information about a group of target

users, and said hardware means for receiving includes hardware means for receiving location information for the target users.

40. (Previously Presented) A system for sharing user information in a wireless communication network outside of a call setup, comprising:

a group communication server (GCS), a memory unit;

a receiver;

a transmitter; and

a processor coupled to the memory unit, the receiver, and the transmitter, the processor being capable of:

sending at least one alert from an originator to the GCS requesting presence information about at least one target user;

receiving information by the originator from the GCS containing information that no response was received in response to the alert, and updating presence information by the originator about the target user, based on information received.

41. (Previously Presented) The system 40, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving information as to whether the group is active or passive.

42. (Previously Presented) The system of claim 40, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving information as to which target user in the group is registered.

43. (Previously Presented) The system of claim 40, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving information as to which target user is participating a current communication session.

44. (Previously Presented) The system of claim 40, wherein said requesting includes requesting presence information about a group of target users, and said receiving includes receiving location information for the target users.

45. (Previously Presented) The method of claim 1, wherein transmitting the alert from the GCS to the target occurs before sending the alert from the originator to the GCS.

46. (Previously Presented) The method of claim 1, wherein the information received by the originator from the GCS is a group response message containing information about more than one target in a single message.

47. (Previously Presented) The method of claim 1, wherein the information received by the originator from the GCS includes an indication of which members in a given group are participating in a group communication session.

48. (Previously Presented) The method of claim 1, wherein transmitting the alert from the GCS to the target is performed in response to the request for presence information about the target.

49. (Previously Presented) The method of claim 1, wherein sending the alert from the originator to the GCS is performed subsequent to completing a call setup for the originator.

50. (Previously Presented) The method of claim 49, wherein the call setup is between the originator and the GCS.

51. (Previously Presented) The method of claim 1, wherein transmitting the alert from the GCS to the target comprises transmitting the alert from the GCS directly to the target.

52. (Previously Presented) The method of claim 1, wherein the alert transmitted from the GCS to the target is derived from the alert sent from the originator to the GCS, and includes presence information about the originator.

APPENDIX B: EVIDENCE

(None)

APPENDIX C: RELATED PROCEEDINGS

(None)